



# **Massachusetts Department of Transportation Office of Transportation Planning**

## **Request for Proposal Number EW2018**

### **East West Passenger Rail Study**

**Release of Date:** June 12, 2018  
**Written Inquiries Due\*:** June 18, 2018, at 3:00 PM \*via e-mail only  
**Pre-Bid Meeting** June 20, 2018, at 3:00 PM \*10 Park Plaza-Suite 4150  
**Written Answers to Inquiries:** June 27, 2018  
**Close Date:** July 9, 2018 at 3:00 PM

**Contact Person:**

Jen Slesinger, Project Manager  
10 Park Plaza - Suite 4150  
Boston, MA 02116  
E-Mail: [Jennifer.Slesinger@dot.state.ma.us](mailto:Jennifer.Slesinger@dot.state.ma.us)

# **East West Passenger Rail Study**

## **1.0 General**

This Request for Proposal (“RFP”) invites qualified prospective Consultants (hereinafter “consultants”) to submit proposals for the professional services described in the **SCOPE OF WORK** of this RFP. The term “consultant” shall mean the entire team that will provide services on the Project, whether as a single firm, as a prime consultant with subconsultant(s), or as a joint venture with or without subconsultant(s).

Each consultant must submit a valid, current audited overhead rate for its latest closed fiscal year in accordance with the MassDOT Indirect Cost Rate Guidelines dated February 5, 2016. The audit shall be performed by a Certified Public Accountant in accordance with the Government Auditing Standards as published by the Controller General of the United State of America.

These instructions prescribe the general format and contents of the RFP required for MassDOT to evaluate prospective consultants on a comparative basis. MassDOT intends to select a qualified consultant for a contract under this RFP process, on the basis of demonstrated competence, qualifications and technical expertise.

This procurement is conducted in accordance with M.G.L. c. 7C, § 58. MassDOT reserves the right to amend, extend and/or terminate any contract procured under this RFP process.

## **2.0 Pre-Proposal Meeting**

A pre-proposal meeting will be held on June 20, 2018 at 3PM in Suite 4150 of 10 Park Plaza Boston, MA 02116.

## **3.0 Acquisition Method**

MassDOT will use a qualifications based selection process to evaluate the prospective consultants, in accordance with M.G.L. c. 7C, § 58. MassDOT will offer a contract to the highest ranked consultant.

## **4.0 Request for a Single or Multiple Contracts**

This RFP is being used to select a single consultant.

## **5.0 Anticipated Duration of Contract Including Amendment Options**

The initial duration of the contract awarded pursuant to this procurement will be eighteen (18) months or less depending on the negotiated scope of work and fee. MassDOT may extend or otherwise amend the contract as necessary in accordance with the contract Standard Provisions.

## **East West Passenger Rail Study**

### **6.0 Anticipated Expenditures and Compensation Structure**

The maximum obligation of the contract could be up to \$1,000,000, for the initial duration depending on the negotiated scope of work and fee.

### **7.0 Preparation of RFP Document**

The RFP document (the Proposal) shall be in the format and with attachments as specified in these instructions. The Proposal shall show the full legal name and business address of the prospective consultant, including street address if different from mailing address, and shall be signed and dated by the person(s) authorized to bind the prospective consultant. Proposals by a partnership or joint venture shall list the full names and addresses of all partners or joint ventures. The state of incorporation shall be stated for each corporation that is a party as a prospective consultant.

The Proposal shall be prepared simply and economically, providing a straightforward, concise delineation of the prospective consultant's commitment to satisfy the requirements of this RFP.

The preparation of Proposal shall be at the expense of the prospective consultant. Prospective consultants are responsible to fully examine this RFP, addenda (if any), and referenced documents.

In an effort to promote greater use of recycled and environmentally preferable products and minimize waste, all responses should be submitted electronically through Commbuys.

The MassDOT contact from issuance of this RFP until contract award shall be:

**Jen Slesinger**  
**Attn: East West Rail**  
**10 Park Plaza - Room 4150**  
**Boston, MA 02116**  
[Jennifer.Slesinger@dot.state.ma.us](mailto:Jennifer.Slesinger@dot.state.ma.us)

All inquiries and or questions regarding this RFP document may be submitted **via e-mail** to [Jennifer.Slesinger@dot.state.ma.us](mailto:Jennifer.Slesinger@dot.state.ma.us) with the subject line "EW2018 RFP Question". Prospective consultants are not to address questions to anyone other than the aforementioned at the specified e-mail address, nor shall they attempt to obtain clarifications by phone or personal visit. Disqualification may result if these procedures are not adhered to.  
**The deadline for emailed questions is June 18, 2018, by 3:00 p.m.**

All questions, answers and any addendums shall be posted on CommBuys and individual(s) and/or firm(s) are responsible for checking this website periodically for any updates.

## **East West Passenger Rail Study**

Prospective consultants with disabilities or hardships that seek reasonable accommodation, which may include the receipt of RFP information in an alternative format, must communicate such requests in writing to the contact person. Requests for accommodation will be addressed on a case by case basis. A consultant requesting accommodation must submit a written statement which describes the consultant's disability and the requested accommodation to the contact person for the RFP. MassDOT reserves the right to reject unreasonable requests.

### **8.0 Proposal Document**

#### **Proposal Document Format, Content, and Submission**

##### **8.1 Proposal Format and Contents**

The Proposal shall conform to the following format:

1. The Proposal shall adhere to a maximum page limit of 40 pages
2. Twelve (12) Point Times New Roman font shall be used for the entire Proposal.
3. Each page of the Proposal shall include a page number of total pages and identification of the respondent in the page footer.

All information pertaining to the prospective consultant's approach to meeting the requirements of the RFP shall be organized and presented in the prospective consultant's Proposal. The instructions contained in these requirements must be strictly followed.

The prospective consultant's Proposal shall contain only the following information, and in the sequence presented and under the headings given. Prospective consultants who do not comply with this restriction may be considered non-conforming and summarily eliminated at the discretion of MassDOT.

Accuracy and completeness are essential. Omissions and ambiguous or equivocal statements will be viewed unfavorably and will be considered in the evaluation. Since all or a portion of the successful Proposal may be incorporated into any ensuing contract, all prospective consultants are further cautioned not to make claims or statements that cannot be subsequently included in a legally binding contract.

## **East West Passenger Rail Study**

All Response requirements must be submitted for each party comprising the prospective consultant's organization (or joint venture) as well as all named sub-consultants and subcontractors.

MassDOT may reject any RFP Response that does not meet these specific requirements.

### **8.2 Proposal Submission**

The consultant shall submit the RFP Response, and all requested through Commbuys, no later than **3:00 p.m. on July 9, 2018.** **Proposals received after the deadline for receipt will be rejected.**

#### **8.2.1 Letter of Transmittal**

The prospective consultant's RFP Response shall include a letter of transmittal not to exceed three pages, signed by an individual, or individuals, authorized to bind the prospective consultant contractually.

The letter shall, at a minimum, indicate the following:

- The name of the consultant and any sub-consultants;
- The name of the proposed project manager for the consultant;
- That the RFP Response will remain valid for a period of nine (9) calendar months from its submission date and thereafter until the Prospective consultant withdraws it, or a contract is executed, or the procurement is terminated by MassDOT, whichever occurs first; and
- The name, title, address, and telephone number of one or more individuals who can respond to requests for additional information, as well as the names of any individual(s) other than the signatory(s) who are authorized to negotiate and execute a contract on the Prospective consultant's behalf.

#### **8.2.2 Information Regarding Legal Matters**

Provide, in a separate, sealed and clearly labeled envelope updated information regarding legal matters for each member of the consultant team expected to perform at least five (5) percent of the work on this project. This information shall be provided on standard pages 8, 9, 10, and 11 of the MassDOT Highway Division Architects and Engineers Review Board Prequalification Form (i.e. ADM-016).

The envelope shall be clearly labeled with "RFP# EW2018" and the consultant name. This information will be considered an attachment to the Proposal and will not be counted toward the page limit of the Proposal.

## **East West Passenger Rail Study**

MassDOT's Legal Counsel will review this information independently and will notify the Evaluation Committee of any concerns.

These sealed envelopes should be mailed in a single packet by the RFP deadline to:

Attn: Jennifer Slesinger  
RFP #EW2018  
MassDOT  
10 Park Plaza  
Suite 4150  
Boston, MA 02116

### **8.3 RFP Response Contents: PART I: Qualifications**

#### **Project Team Composition**

Describe the prospective consultant's project team composition by indicating how it intends to perform the work, i.e., as an independent company, a partnership, a joint venture, or a combination involving a prime and sub consultants. The role of each participating entity shall be fully described.

The consultant will be evaluated on the manner in which their unique organization will achieve the efficient and effective completion of the project.

The prospective consultant shall detail specifically the work that it proposes to do with its own forces and the work to be performed by others. A reasonable approximate percentage of job hour effort shall be indicated for each such participating entity.

MassDOT does not favor any one of the above-named combinations over any other.

#### **Qualifications of Prospective Consultant's Team and Personnel**

Identify the key personnel to be assigned to this project. Include summary resumes of key personnel proposed to staff this project and descriptions of comparable projects performed by the personnel to be assigned to this work; limit the resume information provided to that which is timely and specifically relevant to this project. For each such key employee, indicate whether such employee is to be assigned on a full-time or a part-time basis. If an employee is to be assigned part-time, indicate what percentage of his or her time will be devoted to the work of this project. Identify the proposed project manager who will be responsible for the day-to-day execution of the project and relevant experience in leading similar efforts.

## **East West Passenger Rail Study**

List the prospective consultant team's recent projects (no more than six) having the nature, complexity and time constraint, and management issues similar to those anticipated for this project. Where possible, highlight projects completed by the key personnel from the proposed project team. Descriptions should detail the work completed by proposed project staff, rather than other, non-team members of the same firm.

Provide the names of at least three clients (plus at least one for each sub-consultant) for whom the Prospective Consultant and sub-consultants has performed work similar to that proposed, and who may be contacted as references. Preferably, these references should include governmental agencies similar to MassDOT and should include the recent projects cited above. It is strongly recommended that at least three references be from entities other than Massachusetts state agencies and quasi-agencies (such as MassDOT and the MBTA) – but any desired MassDOT/MBTA references should also be included.

### **Consultant Office and Staffing Plan**

Standard Contract provisions require the consultant to maintain an adequately staffed local office. Any exception to this provision shall require a waiver by MassDOT. Local offices should be able to be used for project meetings (both internal and external if necessary) at the request of MassDOT.

Indicate the intent of the prospective consultant relative to office location, functions, and work to be performed there, and the anticipated resident staff. Final details are not required at this time. Also include the following: 1) project organization chart and, 2) staffing schedule chart indicating approximate allocation of hours per task per staff member as well as present and future staffing commitments for each key staff person.

Project organization charts should include an indication of which staff member from each sub-consultant will be the primary contact for that entity. Staffing schedule charts should include the specific current or anticipated projects for each staff member, including the approximate end-date of those commitments.

## **8.4 RFP Response Contents Part II: Technical Proposal**

The technical portion of the RFP Response shall contain the following information in the sequence presented and under the headings given

## **East West Passenger Rail Study**

below. Prospective consultants who do not comply with this format may be considered non-conforming and downgraded at the discretion of the Evaluation Committee.

MassDOT encourages prospective consultant teams to exercise their creativity, innovation, and expertise in the development of their proposals. , MassDOT looks forward to receiving high-quality, thoughtful proposals that will allow for the successful execution of this crucially-important project.

### **Understanding the Scope of Services**

Describe the prospective consultant's general understanding of the scope of services and the key issues associated with performing the required consulting services in the specific functional areas involved. In addition, include statements covering the prospective consultant's familiarity with the project and describe unusual conditions or problems the prospective consultant believes may be encountered. The respondent's views on the challenges/opportunities of the tasks of this project should be included in this section.

### **Approach and Methods**

Describe clearly and in detail the work plan and mechanics of how the prospective consultant will accomplish each of the tasks outlined in the scope of services. Special methods, techniques, or personnel required by a particular task should be covered in detail. Respondents should expand on the generalized outline of methods contained in the scope with specific details of how the tasks could be best accomplished, and, at the option of the respondent, propose additional and/or alternate methods aimed at improving the study processes and/or technical procedures.

Note: Between the above two sections, prospective consultants should clearly demonstrate how their understanding of the issues and approach to the study make them well suited to conduct the work. This type of information can be contained in either section, or both sections.

### **Demonstration of Capacity to Perform High Quality Work within Schedule and Budget**

Clearly demonstrate how the prospective consultant intends to deliver the products identified in the project task list, on schedule and within budget. Describe the intended method of task budget planning and control as well as quality assurance and quality control. MassDOT also expects that, given the size of this contract, the selected consultant team will dedicate substantial resources to ensuring sufficient and appropriate project control. Consultant teams should take care to



## **East West Passenger Rail Study**

expand upon the means and methods for project management used in this proposal. Provide a proposed schedule that includes all task deliverables with time for review by MassDOT.

### **8.5 Supplier Diversity Program (SDP)**

As part of the Proposal, the prospective consultant is required to supply a copy of an approved Affirmative Action Certificate or copy of the letter transmitting their plan to the MassDOT Office of Diversity and Civil Rights. This document shall be included as an attachment to the Proposal and will not be counted toward the page limit of the Proposal. A statement regarding the inclusion of this attachment must be included in the body of Proposal. Further information regarding the SDP can be obtained from the Supplier Diversity Office (“SDO”) ([www.mass.gov/sdo](http://www.mass.gov/sdo)).

#### Affirmative Action/Equal Employment Opportunity (AA/EEO)

1. Selected consultants with 50 or more employees and an estimated contract value of \$50,000 or more are required to have an Affirmative Action Plan for the current year on file with MassDOT. The plan must comply with the provisions of 41 C.F.R. Part 60-2.
2. Affirmative Action Plans can be submitted to MassDOT Office of Diversity and Civil Rights for review before submission of the fee proposal. As part of the proposal, the consultant is required to supply a copy of an approved Affirmative Action Certificate.
3. Selected consultants with less than 50 employees and an estimated contract value of \$50,000 or more may obtain an approved Affirmative Action Certificate by submitting an Affirmative Action Policy signed by the consultant’s CEO to the Office of Diversity and Civil Rights. Firms with 10 or more employees must submit the following in action to the policy: a workforce analysis that delineates the consultant’s workforce by race, gender and EEO4 category; the consultant’s information dissemination policy; a description of how the consultant organization informs employees of its AA policy; and a copy of the consultant’s complaint process that articulates how the consultant handles employee allegations of civil rights violations.

Address questions regarding AA/EEO requirements to:

Angela Hemingway  
Office of Diversity and Civil Rights – MassDOT  
10 Park Plaza, Room 3170  
Boston, MA 02116-3973  
Telephone: 857-368-8747  
Fax: 857-368-0602

## **East West Passenger Rail Study**

### Minority/Women Business Enterprise (M/WBE) Participation

The M/WBE participation goal for this contract is ten percent (10%) of the general fee. Only firms, other than the Proposer, which have been certified by SDO as eligible to participate on state funded contracts as MBEs, or WBEs may be used on this contract for credit toward the M/WBE participation goal.

Identify each MBE or WBE selected to meet the M/WBE participation goal for this contract and provide a detailed narrative of the services to be performed by each MBE or WBE business entity and the percent of the total cost to be contractually allocated to each. M/WBE entities must be certified by the SDO prior to the proposal due date. No cost information is to be displayed as part of this section.

Certified Minority and Women Business Enterprises may be found at [www.mass.gov/sdo](http://www.mass.gov/sdo). If no M/WBE is qualified, available, or willing to participate, the consultant must provide detailed verifiable information documenting the good faith effort made to locate M/WBEs.

If MassDOT finds that the percentage of M/WBE participation submitted by the prospective consultant will not meet the M/WBE participation goal of the contract and that the prospective consultant has not made good faith efforts to meet the goal, MassDOT may, at its discretion, cease all further action with the prospective consultant.

Address questions regarding M/WBE requirements to:

Miguel Fernandes  
Office of Diversity and Civil Rights – MassDOT  
10 Park Plaza, Room 3170  
Boston, MA 02116-3973  
Telephone: 857-368-8736  
Fax: 857-368-0602

### **8.6 Audit Data**

As part of the response, each member of the prospective consultant team expected to perform at least five (5) percent of the work on this project is required to obtain a letter from the Audit Operations Unit stating that the consultant has submitted the required documentation and that they are in compliance with the MassDOT Architectural and Engineering Consulting Firms Prequalification Indirect Cost Rate Guidelines dated February 5, 2016. Any documents related to this section may be included as an attachment to the Proposal and will not be counted toward the page limit of the Proposal.

In addition to the requirements stated above, any additional members of the prospective consultant team expected to perform work on this project valued

## **East West Passenger Rail Study**

\$50,000 or more is required to obtain and provide the aforementioned audit compliance letter prior to execution of contract. MassDOT may disqualify any consultant that fails to submit acceptable audit data in a timely manner.

If the consultant has already submitted current audit data information to MassDOT through MassDOT's normal A&E prequalification procedures, the consultant may already have the letter required for this portion of the response. As part of MassDOT's normal A&E prequalification procedures, consultants are required to submit an audited overhead rate to MassDOT within 150 days after the close of the firm's latest fiscal year. The consultant is responsible for ensuring that these audit requirements are met. MassDOT may disqualify any consultant that fails to submit acceptable audit data in a timely manner.

Detailed information regarding MassDOT's audit requirements for consultants is available at <http://www.massdot.state.ma.us/highway/DoingBusinessWithUs/DesignEngineering/PrequalificationofArchitecturalEngineering.aspx>. Questions regarding the audit data requirements may be directed to Audit Operations at (857) 368-8700, or [dot.Audit@dot.state.ma.us](mailto:dot.Audit@dot.state.ma.us).

### **8.7 Insurance and Risk Management**

Indicate methods of complying with the liability and insurance requirements of the contract Standard Provisions. Also, provide a brief statement as to prospective consultant's present standard insurance coverage or self-insurance program. Any documents related to this section may be included as an attachment to the Proposal and will not be counted toward the page limit of the Proposal.

### **8.8 Conflict of Interest**

Each prospective consultant is advised that its performance of work for MassDOT may, at any time, raise questions about real or perceived conflicts of interest because of the prospective consultant's relationship to other entities or individuals, including without limitation: (1) private and public owners of properties that abut or may be affected by the project, and/or (2) other state-created entities with potentially conflicting interests and/or concerns.

Accordingly, MassDOT reserves the right to:

1. Disqualify any prospective consultant or reject any proposal at any time solely on the grounds that the real or perceived legal or policy conflict of interest is presented;

## **East West Passenger Rail Study**

2. Require any prospective consultant to take any action or supply any information necessary to remove the conflict, including without limitation, obtaining an opinion from the State Ethics Commission; or
3. Terminate any contract arising out of this solicitation if, in the opinion of MassDOT, any such relationship would constitute or have the potential to create a real or perceived conflict of interest that cannot be resolved to the satisfaction of MassDOT.

In addition, representatives and/or employees of the successful prospective consultant will be required to agree to certify from time to time, in a form approved by MassDOT, that in connection with work under this Contract, they are in full compliance with the provisions of Chapter 286A of the General Laws and any other applicable conflict of interest laws. The prospective consultant agrees to disclose in writing any facts MassDOT may seek in order to resolve questions about potential conflicts of interest occurring during the period of solicitation or performance hereunder and, upon request of MassDOT, supply a full and complete list of its relationships to other entities and individuals. In any such event, the prospective consultant shall consult with MassDOT's authorized representatives to learn what action must be taken to resolve such conflicts and comply with all applicable laws and policies.

Each of the prospective consultants shall submit to MassDOT as part of its Proposal a list of all such potential conflicts or a written certification that it has none. Any documents related to this section may be included as an attachment to the Proposal and will not be counted toward the page limit of the Proposal.

### **9.0 Evaluation of Proposals**

The right is reserved, as the interest of MassDOT may require, to reject any or all Responses to the RFP and to waive any informality in Responses that are received. MassDOT also reserves the right at any time before responses are due to cancel these RFP requirements, or, after receipt and evaluation, to modify these requirements or cancel them entirely, or to initiate a new RFP.

Vendor responses should include all available detail on the topic area in order to enable MassDOT to adequately assess the response to meet the stated requirements.

Failure to include a response to any requirement will be deemed non-responsive and will result in disqualification.

## **East West Passenger Rail Study**

### **10.0 Selection Process**

**10.1** Selection of the bidder(s) will focus on their responses to all identified requirements, and will be awarded to the bidder with the highest score based upon a scale of values to be assigned by the Evaluation Team prior to opening responses.

The timing of the evaluation of bidders and all other steps in the evaluation or award process shall be based on the sole discretion of MassDOT.

**10.2** MassDOT reserves the right to conduct interviews with the top scorers. Based on review of the responses, finalist candidates may be selected for interview.

Presentations must be made primarily by the prospective consultant's proposed project manager, with support and input from other top-level team members expected to be assigned to this work. Such oral presentations will, as a general rule, include approximately 25 minutes for presentation plus 25 minutes for questions.

### **11.0 Proposal Evaluation**

An Evaluation Committee will evaluate all qualified responses. The committee will select responder that is qualified based upon a combination of the following:

1. Experience/Qualifications
2. Methodology
3. References

If applicable, the presentation may increase the score for factors 1 and 2 above.

The committee reserves the right to reject all proposals, based on technical content. Although it may conduct interviews of finalists among responders, the committee reserves the right to recommend to MassDOT the award of a contract to the most qualified responder(s) without conducting in-person interviews.

### **12.0 End Result of Process**

Following determination of the Final Scores, MassDOT's Evaluation Committee for this work will evaluate and rank all prospective consultants determined eligible for the contract to be awarded as a result of this Request for Proposal.

## **East West Passenger Rail Study**

The rankings and recommendations for selection will be submitted to the Secretary or her designee for approval. The approved firm will be invited to submit a Fee Proposal. The Fee Proposal will be predicated upon a detailed work plan for the required services including estimates of classified workhours for each specific item of work, and all direct and indirect labor costs, a net fee, and direct expenses that the selected consultant will encounter in the performance of the required services. The Fee Proposal shall be based upon the RFP documents, the overall project schedule, and the agreed portions of the consultant's proposal submitted in response to this RFP.

MassDOT will have prepared an independent cost and workhour estimate for the work and will review and evaluate the selected consultant's Fee Proposal and negotiate a contract with the selected consultant. If a contract cannot be negotiated with the first-ranked consultant within a reasonable period (hereby defined as forty-five (45) calendar days), MassDOT reserves the right to cease negotiations with the initially selected consultant. The second-ranked consultant would then be invited to submit a Fee Proposal and subsequently enter negotiations with MassDOT's representative. If necessary, the process may be repeated with the third-ranked consultant if negotiations with the second are not successful.

### **13.0 RFP Amendment**

MassDOT reserves the right to amend this RFP at its sole discretion at any time. In the event of an amendment to this RFP, MassDOT may extend the submission deadline, as it deems appropriate.

### **14.0 Non-Commitment**

Notwithstanding any other provision of this RFP, this RFP does not commit MassDOT to award a contract. MassDOT reserves the right, at its sole discretion, to reject any and all Proposals, or any portions thereof, at any time; to cancel the RFP; and to solicit new Proposals under a new acquisition process.

### **15.0 Proposal Preparation Costs**

By submitting a Proposal, the prospective consultant agrees that in no event shall MassDOT be either responsible for or held liable for any costs incurred by the prospective consultant in the preparation of or in connection with any part of the Proposal, or for work performed prior to the effective date of a resulting contract.

### **16.0 RFP Attachments**

The following RFP Attachments are provided to prospective consultants for informational purposes and do not need to be returned to MassDOT as part of the Proposal:

## **East West Passenger Rail Study**

- Scope of Work
- Standard Provisions
- Draft Special Provisions
- MassDOT Terms & Conditions Form
- MassDOT Standard Contract Form and Instructions
- Electronic Funds Transfer Form
- Prompt Payment Discount Form

### **17.0 Electronic Funds Transfer (EFT)**

All consultants selected for a contract pursuant to this RFP must agree to participate in the Commonwealth Electronic Funds Transfer (“EFT”) program for receiving payments, unless the consultant can provide compelling proof that it would be unduly burdensome. EFT is a benefit to both contractors and the Commonwealth because it ensures fast, safe and reliable payment directly to contractors and saves both parties the cost of processing checks. Contractors are able to track and verify payments made electronically through the Comptroller’s Vendor Web system.

Successful prospective consultants, upon notification of contract award, will be required to enroll in EFT as a contract requirement by completing and submitting the *Authorization for Electronic Funds Payment Form* to MassDOT for review, approval and forwarding to the Office of the Comptroller. If the consultant is already enrolled in the program, it may so indicate in its response. Because the *Authorization for Electronic Funds Payment Form* contains banking information, this form, and all information contained on this form, shall not be considered a public record and shall not be subject to public disclosure through a public records request.

The requirement to use EFT may be waived by MassDOT on a case-by-case basis if participation in the program would be unduly burdensome on the consultant. If a consultant is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in its response. MassDOT will consider such requests on a case-by-case basis and communicate the findings with the consultant.

### **18.0 Prompt Payment Discount (PPD)**

All consultants selected for a contract pursuant to this procurement must agree to offer discounts through participation in the Commonwealth Prompt Payment Discount (“PPD”) initiative for receiving early and/or on-time payments, unless the consultant can provide compelling proof that it would be unduly burdensome. PPD benefits both contractors and the Commonwealth. Contractors benefit by increased, usable cash flow as a result of fast and efficient payments for commodities or services rendered. Participation in the Electronic Funds Transfer initiative further maximizes the benefits with payments directed to designated accounts, thus eliminating the impact of check clearance policies and traditional mail lead time or delays. The

## **East West Passenger Rail Study**

Commonwealth benefits because contractors reduce the cost of products and services through the applied discount. Payments that are processed electronically can be tracked and verified through the Comptroller's Vendor Web system.

The requirement to use PPD offerings may be waived by MassDOT on a case-by-case basis if participation in the program would be unduly burdensome on the consultant. If a consultant is claiming that this requirement is a hardship or unduly burdensome, the specific reason must be documented in or attached to the PPD form.

### **19.0 Public Records**

All responses and information submitted in response to this RFP are subject to the Massachusetts Public Records Law, M.G.L. c. 66, § 10, and to c. 4, § 7, §§ 26. Any statements in submitted responses that are inconsistent with these statutes shall be disregarded.

### **20.0 Statement of Nondiscrimination**

The Massachusetts Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4), other Nondiscrimination requirements (The Federal-Aid Highway Act of 1973, The Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and Americans with Disabilities Act of 1990), and the Regulations, hereby notifies all invited candidates that it will affirmatively ensure that any contract entered into pursuant to this solicitation will be awarded without discrimination on the ground of race, color, national origin, sex, age or disability.